

# EXHIBIT A

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

COPART INC.,

Plaintiff,

vs.

No. C 07 02684 CW

CRUM & FORSTER INDEMNITY  
COMPANY, UNITED STATES FIRE  
INSURANCE COMPANY, and DOES  
1-10,

Defendants.

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AND RELATED COUNTERCLAIMS.

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VIDEOTAPED DEPOSITION OF SIMON ROTE

San Francisco, California

Thursday, May 8, 2008

Reported by:  
DARCY J. BROKAW  
RPR, CRR, CLR, CSR No. 12584  
Job No. 86978

10:03 1 Q You don't know?

2 A No.

3 Q Okay.

4 Okay. Now that you see this here today,

10:03 5 do you think it was a mistake that Yard 105 and Yard  
6 108 weren't on the statement?

7 MR. LARSON: Vague and ambiguous.

8 BY MR. RUBY:

9 Q Let me try that again.

10:04 10 We've established that, according to the  
11 documents, they were owned as of the date, but  
12 they're not on the statement.

13 A Right.

14 Q I know you don't know or at least remember  
10:04 15 why, but what I'm interested in is should they have  
16 been on this statement.

17 A It was an over- -- I mean, obviously,  
18 based on the dates, it would appear to be an  
19 oversight. From our perspective in preparing the  
10:04 20 document, whether or not this -- typically, we're  
21 updating this schedule on a yearly basis.

22 We endeavor to make our best estimates and  
23 to ensure the accuracy and the validity of this  
24 particular report. But because, you know, my  
10:04 25 understanding of how the insurance worked, all of

10:04 1 our locations were covered, so -- I mean, because  
2 these are newly -- I guess the other term would be  
3 "newly acquired."

4 Q Okay.

10:04 5 MR. RUBY: I'm going to move to strike  
6 that answer.

7 BY MR. RUBY:

8 Q Let me try again.

9 What I'm interested in is: Is there some  
10:05 10 reason why, even though Copart owned Yard 105 as of  
11 2003, that it was not put on the statement? Are you  
12 aware of such a reason?

13 A No, there's no such reason that I'm aware  
14 of.

10:05 15 Q Now, with respect to Yard 108, same  
16 question. Now that you've looked at these  
17 documents, is there any reason you're aware of as to  
18 why Yard 108 should not have been on the statement?

19 A No.

10:05 20 Q There are a few other yards. I don't  
21 think we need to go through them.

22 A Okay.

23 Q Just for the record, we looked at  
24 Yard 117, Yard 119, 120, 121, 133, and those yards  
10:06 25 again seem, according to the statement, to have been

11:00 1 (Defendant's Exhibit 7 marked  
2 for identification)

3 BY MR. RUBY:

4 Q Exhibit 7 is from the very beginning of  
11:00 5 the Copart production. It starts with an e-mail  
6 chain on September 1st, 2004, first with an e-mail  
7 from Yvette Garrett to Mr. Rote, and then Mr. Rote  
8 forwarding it on to Patrice McIntyre. And so would  
9 this sort of -- and then the attachment is a  
11:01 10 Statement of Values now dated July 31st, 2004.

11 So Mr. Rote, would this confirm that  
12 Yvette had some responsibility for the revision of  
13 this Statement of Values in 2004?

14 A With respect to just making the changes  
11:01 15 which we told her to, yes.

16 Q Okay. Now, if we could -- I just wanted  
17 to ask you, your e-mail to Ms. McIntyre, you say:  
18 "Patrice, finally here is a revised SOV," and you  
19 capitalized "finally."

11:01 20 A Mm-hmm.

21 Q Why did you do that?

22 A Because I believe she was asking for it  
23 back in August. That's when I started providing the  
24 data to her. So just finally got it updated for  
11:02 25 her.

11:02 1           Q     Okay. Do you recall there being some --  
2     any particular difficulty or circumstances that drew  
3     out that process and led you to say, you know:  
4     Finally, here's the Statement of Values?

11:02 5           A     I hate to say it, but with respect to  
6     prioritizing what's critical, the other items were  
7     more critical. The Statement of Values was not a  
8     critical item.

9           Q     So it was just press of business that --  
11:02 10     I'm not going to say it was delayed. But press of  
11     business that explained the passage of time between  
12     submitting that?

13           MR. LARSON: Misstates his testimony,  
14     asked and answered.

11:02 15     BY MR. RUBY:

16           Q     Let me try it again.

17                     In addition to it not being a priority,  
18     again, was there -- I just want to eliminate other  
19     possibilities, as well. Was there, you know, any  
11:02 20     particular difficulty with getting it done? Or this  
21     was just -- the process was the same as the year  
22     before and this is just how long it took?

23           A     There was no difficulty. Just -- I  
24     provided her with what was critical, and that was  
11:03 25     the workers' comp information, in August.

11:27 1 other parcel?

2 A I'm not quite sure why. We just put  
3 the -- why we didn't put the address down? What the  
4 Statement of Values requires is just us to provide  
11:27 5 them with the location, and that's basically what  
6 we're doing for the insurance companies is providing  
7 them the locations.

8 MR. RUBY: Okay. I'm going to move to  
9 strike the part about what it requires.

11:27 10 BY MR. RUBY:

11 Q But let me follow up on that.

12 The location, according to this statement,  
13 is 20.288 acres in Hialeah, right?

14 A Correct.

11:27 15 Q Okay. Now, I guess I won't hold you to  
16 this unless you know it, but if the other parcel,  
17 the June '02 acquisition --

18 A Right.

19 Q -- is in fact in Miami, and in fact it has  
11:28 20 a street address in Miami, and it was acquired at a  
21 different time from a different party and is  
22 additional acreage --

23 A Okay.

24 Q -- why is that not referenced in the  
11:28 25 Statement of Values?